

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MISCHA P. DIX,)	8:08CV270
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
MICHAEL J. ASTRUE,)	
Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

This matter is before the court upon Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (Filing [18](#).) Plaintiff requests fees in the total amount of \$3,665.75, which represents 21.5 hours of work by her attorney, at an average hourly rate of \$170.50.¹ The application also requests reimbursement of costs in the amount of \$350.00, for the filing fee. Defendant does not oppose Plaintiff's application. See filing [22](#).

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Commissioner's decision was reversed and matter remanded for further proceedings; that the application for fees was filed in a timely fashion; and that the position of the Commissioner was not substantially justified. Plaintiff therefore is entitled to an award of reasonable attorney fees.

Accordingly,

¹ This average hourly rate equals the statutory maximum of \$125.00, adjusted on a monthly basis to account for inflation since March 1996.

IT IS ORDERED that:

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (filing [18](#)) is granted.

2. By separate document, the court shall enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees of \$3,665.75, and taxable costs in the amount of \$350.00.

January 26, 2009

BY THE COURT:

s/ Richard G. Kopf
United States District Judge